

REMARKS

Claims 2-4, 6-17 and 86-101 are currently pending and stand rejected. Applicant requests reconsideration of the rejections thereto. Claims 1 and 5 have been canceled.

Claim 2 has been amended to incorporate the subject matter of claims 1 and 5. Claim 6 has been amended to be written in independent form including the limitations of any intervening claims. Claims 5 and 6 were indicated as being allowable if rewritten in independent form. As such, claims 2 and 6 are believed to be in condition for allowance. Dependent claims 3, 4, and 7-17 are also believed to be in condition for allowance.

Claims 86-101 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,444,632 to Kline et al. (hereinafter referred to as "Kline"). This rejection is respectfully traversed.

Kline discloses an apparatus and method for selecting "a period of time for evaluating process resources and lots to be processed by the process resources." Abstract. Kline discloses that a "schedule extender object 340 creates a score table 350 to facilitate scheduling choices." Col. 5, lns. 43-45. "The score table object 350 determines the combination of a lot and a process resource that has the best score; this is the winning pair." Col. 6, lns. 11-14. Kline further teaches that "[t]he sum of the scores from the lot factors determine a lot score, and the sum of the scores from the tool factors determine a tool score. The lot score and the tool score are combined to provide a total score" for a given lot on a given process resource." Col. 10, lns. 42-46. "A subtotal is obtained for both the lot factors and the tool factors and in turn a total is obtained from the subtotal of the lot factors and the subtotal of the tool factor." Col. 10, lns. 63-66. Thus, Kline teaches that the summation of lot factors and tool factors is used to determine a total score for ranking purposes.

In contrast, claim 86, for example, calls for, in part, "determining a first magnitude of processing to be done, determining a second magnitude of production capacity, and computing the ranking factor as a ratio of the first magnitude to the second magnitude." Claim 101 also

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Amendment

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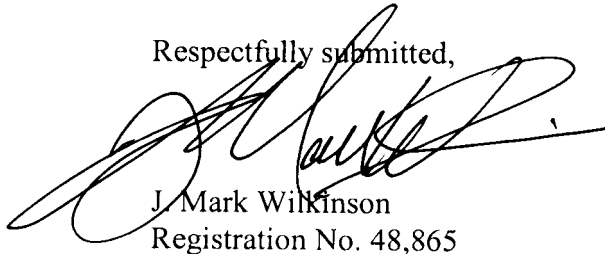
calls for determining a ratio for ranking a plurality of lots. Thus, whereas Kline teaches that a summation is used to provide a total score used for ranking purposes, claims 86 and 101 call for a ratio be used to determine ranking factors. A skilled artisan would readily recognize that a ratio is distinct from a summation.

Therefore, claims 86-101 are believed to be patentably distinct from that taught and/or suggested by Kline. Allowance thereof is therefore respectfully requested.

It is clear from all of the foregoing that independent claims 2, 6, 86, and 101 are in condition for allowance. Dependent claims 3, 4, 7-17, and 87-100 depend from and further limit independent claims 2 and 86 and therefore are allowable as well.

An early formal notice of allowance of claims 2-4, 6, 7-17, and 86-101 is requested.

Respectfully submitted,



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